

COASTAL CONSERVANCY

Project Summary
September 15, 2004

FEDERAL CELCP ACQUISITION PRIORITIES PLAN PREPARATION

File No. 04-075
Project Manager: Steve Horn

RECOMMENDED ACTION: Authorize expenditure of up to \$60,000 through an agreement with the San Francisco State University Romberg Tiburon Center to provide technical assistance in the preparation of an Acquisition Priorities Plan for the Federal Coastal and Estuarine Lands Conservation Program (CELCP). The plan will be developed in cooperation with federal, State and local agencies and with an opportunity for public involvement.

LOCATION: Statewide (see Exhibit 1)

PROGRAM CATEGORY: All Conservancy programs

ESTIMATED COST:	Coastal Conservancy	<u>60,000</u>
	Total Project Cost	\$60,000

The source of funding for the planning effort would be the Conservancy Support Budget (pre-project feasibility category).

EXHIBITS

Exhibit 1: Regional Map

PROJECT SUMMARY: Staff is recommending that the Conservancy authorize the expenditure of pre-project feasibility funds to assist in the preparation of an Acquisition Priorities Plan for coastal lands, pursuant to the requirements of the Federal Coastal and Estuarine Lands Conservation Program (CELCP). The CELCP, approved by Congress in 2002, establishes a national competitive grants program that may provide up to \$60 million each year for public acquisition of coastal resource properties.

The threshold requirement for State participation in the CELCP competitive grants program is the completion of a plan that describes the State's priorities for coastal land acquisitions. This plan must be approved by the State, following public comment, and then approved by the federal agency administering the CELCP program. Once the plan is approved, the State will be eligible to solicit, evaluate, and transmit grant proposals for federal consideration.

As the "projects agency" in the federally-recognized California Coastal Management Program (with our partners the California Coastal Commission and the San Francisco Bay Conservation and Development Commission), the Conservancy is the appropriate agency to have lead responsibility for the administration of the CELCP process. Future Conservancy responsibilities under CELCP would include grant solicitation and evaluation, as well as some administrative oversight for any CELCP grants approved by the federal government. An elaboration of the future administrative and procedural requirements for the program will be part of the recommended CELCP planning process.

The San Francisco State University Romberg Tiburon Center houses a number of academic research efforts. It also is the administrative headquarters for the San Francisco Bay National Estuarine Research Reserve (SFBNERR). The Romberg Tiburon Center has partnered with the Conservancy on several planning and research efforts in the past, including conducting some of the principal work on the Southern California Wetlands Recovery Project. The recommended authorization would enable the staff of the SFBNERR to provide technical assistance with project organization, research and mapping for the CELCP plan.

Preparation of the CELCP plan will require coordination with many State and local agencies and organizations. The Federal statute gives added priority to acquisition projects that would implement the programs of the National Estuarine Research Reserves, of which there are three in California: San Francisco Bay, Elkhorn Slough and Tijuana River Estuary. These State-federal cooperative efforts will participate with the Conservancy, Coastal Commission and S.F. Bay Conservation and Development Commission in oversight of the CELCP planning process.

A key component of the work will involve outreach to the many other agencies that may have data layers to contribute

and that may also be future grant applicants. Numerous State, regional and local agencies, as well as many private conservation organizations, have already made substantial efforts to develop priorities plans for specific resources or geographic areas. Because of this prior work, it is anticipated that the CELCP plan will consist largely of the assemblage and organization of existing data sets (e.g., from the California Legacy Project) rather than the creation of new analyses.

The preliminary timeline for the CELCP planning process will seek to have the completed plan to the federal government early in 2005. This would enable the State to submit grant applications for funding consideration in federal FY2006 (commencing October 2005). This timing is consistent with the efforts being made by other coastal states.

COASTAL CONSERVANCY

Staff Recommendation
September 15, 2004

FEDERAL CELCP ACQUISITION PRIORITIES PLAN PREPARATION

File No. 04-075
Project Manager: Steve Horn

STAFF

RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31104 and 31111 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed sixty thousand dollars (\$60,000) to the San Francisco State University Romberg Tiburon Center to provide technical assistance with project organization, research and mapping, in support of the preparation of an acquisition priorities plan as required by the federal Coastal and Estuarine Lands Conservation Program, and further authorizes its Executive Officer to enter into any agreements necessary to complete this project.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The subject study of acquisition priorities is a necessary precursor to any application for federal acquisition grant funds under the federal Coastal and Estuarine Lands Conservation Program; and
2. The proposed project is consistent with the guidelines and criteria set forth in the Conservancy’s Project Selection Criteria and Guidelines adopted on January 24, 2001.”

STAFF DISCUSSION:

Project Description: Conservancy staff is recommending authorization to expend Conservancy funds to develop a coastal resources acquisition priorities plan for the purposes of the federal Coastal and Es-

tuarine Lands Conservation Program (CELCP). The CELCP would provide up to \$60 million per year for nationally-competitive grants for land acquisition, and the proposed CELCP plan is a necessary precursor for California public agencies to compete for these funds.

The CELCP was authorized by Congress in 2002. Public Law 107-77 directed the Secretary of Commerce to establish a program “for the purpose of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational state to other uses.” Guidelines for implementation of the program were issued in June 2003 by the Office of Ocean and Coastal Resource Management (OCRM), a component of the National Oceanic and Atmospheric Administration (NOAA). The CELCP grants are available only for the acquisition of land by public agencies, and a 100% non-federal match would be required.

The CELCP program guidelines establish a three-stage process for competitive funding: (1) development of a state coastal and estuarine land conservation plan; (2) qualification and ranking of prospective projects at the state level; and (3) project selection at the national level from the projects submitted by the states. The recommended action would provide assistance in the development of a CELCP plan to enable California to meet the first requirement.

Areas eligible for the future use of CELCP grant funds include: areas within the state’s “coastal zone” pursuant to the federal Coastal Zone Management Act of 1972 as amended; areas within the state’s coastal watershed boundaries as defined by NOAA; and lands needed to implement the management plans of a National Estuarine Research Reserve. The combined extent of these areas is described generally in Exhibit 1.

It is anticipated that CELCP may be fully funded in federal FY2006 (commencing October 2005). The recommended Conservancy action should enable the State to be prepared for that grant cycle.

In developing the CELCP plan, the Conservancy will work with an oversight committee consisting of the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, and representatives of the three California National Estuarine Research Reserves (NERRs).

The CELCP Guidelines emphasize the intent that the CELCP plans be relatively simple and concise, and it is expected that the CELCP plan for California can be developed largely through the assembly of mapped data layers that describe the resource-priorities work that has already been done by various State, regional and local agencies, as well as by some of the community land trusts. This would include such existing priorities information as the California Outdoor Recreational Plan prepared by State Parks, watershed resources mapping done by the Department of Fish and Game and Department of Forestry, subregional priorities plans prepared by the Southern California Wetlands Recovery Project, and similar studies. Many of these data layers have already been assembled by the California Legacy Project, and a significant portion of the CELCP work will involve the collection and evaluation of existing data sets for their relevance in the current effort. This data assembly and analysis would be among the technical assistance to be provided to the Conservancy by the staff of the SF Bay NERR at the Romberg Tiburon Center.

When a draft CELCP plan is completed, it will be distributed for comment by potential grantees and other interested parties, and will be subject to review and approval by the Coastal Commission, the Bay Commission, the Conservancy and the Resources Agency prior to transmittal to NOAA.

Project Financing:	Coastal Conservancy	<u>\$ 60,000</u>
	Total Project Cost	\$ 60,000

The source of funding for the planning effort would be the Conservancy Support Budget (pre-project feasibility category).

CONSISTENCY WITH
CONSERVANCY'S
ENABLING LEGISLATION:

Public Resources Code (PRC) Section 31104 authorizes the Conservancy to apply for and accept federal grants in order to carry out any of its programs under PRC Division 21. PRC Section 31111 authorizes the Conservancy to fund and undertake such planning and feasibility studies as are necessary to carry out any of those programs.

The proposed project would be a pre-project feasibility study conducted for the purpose of enabling the Conservancy and other public agencies to seek federal grant funds for the acqui-

sition of coastal resource properties. The completion of this study is a necessary administrative component of the grant application process under the federal Coastal and Estuarine Lands Conservation Program.

CONSISTENCY WITH
CONSERVANCY'S
PROJECT SELECTION

CRITERIA & GUIDELINES: The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

Promotion of the Conservancy's statutory programs and purposes: See the "Consistency with Conservancy's Enabling Legislation" section above.

Consistency with purposes of the funding source: The Conservancy Support budget, funded from the Coastal Conservancy Fund (Fund 0565), would be the source of the proposed agreement. Fund 0565 may be used for any purpose consistent with PRC Division 21.

Location: Project funds will be used to present information regarding coastal resources statewide, for the purpose of analyzing future land acquisition proposals within the CELCP area described in Exhibit 1.

Need: The recommended study is a requirement for State participation in the competitive grants program authorized by CELCP. Because the grants program is exclusively for coastal resource lands acquisition and associated costs, the Conservancy is the appropriate agency to lead this study.

Greater-than-local interest: The CELCP grants program will be open to any public agency within the area indicated in Exhibit 1. It is also expected that nonprofit community land trusts will have an interest in the CELCP plan as a means of fostering their partnerships with public agencies.

Additional Criteria

Realization of Prior Conservancy Goals: The CELCP program offers a means of accomplishing many of the Conservancy's long-standing land acquisition priorities.

Cooperation: The Conservancy will coordinate preparation of the CELCP plan with its partners in the California Coastal Management Program, representatives of the National Estuarine Research Reserves, and public agencies within the planning area. Preparation of the CELCP acquisition priorities as recommended will be dependent upon the receipt from other agencies of the data layers that describe the many existing priorities plans of coastal jurisdictions.

**CONSISTENCY WITH
THE COASTAL ACT:**

The CELCP offers an opportunity for implementation of many of the policies of the Coastal Act, including the reservation of coastal and oceanfront lands for recreational uses (PRC Sections 30220 and 30221), the provision of new public access sites (PRC Section 30210), and the protection of significant marine resources (PRC Section 30230) and environmentally sensitive land habitats (PRC Section 30240). Land acquisition for any of these purposes would be consistent with the purposes of the CELCP, and the proposed funding authorization will allow the Conservancy to work with the Coastal Commission and other partners to prepare a plan that describes the range of such opportunities and needs.

COMPLIANCE

WITH CEQA: The proposed project, as described in the project description section, is statutorily exempt from review under the California Environmental Quality Act pursuant to PRC Section 211150 as it involves feasibility or planning studies for possible future actions not yet approved, adopted or funded. The project is also categorically exempt by the Secretary of Resources pursuant to 14 Cal. Code of Regulations Section 15306, because it requires only data collection, research and resource evaluation activities which do not result in serious or major disturbance to the environment. Upon approval, staff will file a Notice of Exemption for this project.